



## The Planning Inspectorate

Mr Richard Cannon  
Sheffield City Council  
Sheffield City Council  
Town Hall  
Sheffield  
South Yorkshire  
S1 2HH

Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Line:  
Customer Services:  
0303 444 5000

Email:  
Yvonne.Oddy@pins.gsi.gov.uk

[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

Your Ref: RC/078713  
Our Ref: ROW/3175722  
**Further appeal references at foot of letter**

17 AUG 2017

Dear Mr Cannon,

**Wildlife and Countryside Act 1981 - Section 53**  
**Order Making Authority: Sheffield City Council**

**Title of Order:** DM&S (Wortley West Riding Area 4, Bradfield Parish); The Sheffield City Council (Definitive Map and Statement) Modification Order (No. 62) 2016

I enclose herewith

1. a copy of the Inspector's decision with regard to the above-named Order,
2. one of the sealed Orders.

If you have concerns or queries about the decision or the way we have handled the order(s), or you simply wish to provide feedback, please visit our Feedback and Complaints webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>. Please quote our reference number in any correspondence.

For information on challenging the decision in the High Court, please refer to our leaflet at <https://www.gov.uk/government/publications/high-court-leaflet-for-rights-of-way-casework>.

An electronic version of the decision will shortly appear on the Inspectorate's website.

<https://www.gov.uk/guidance/rights-of-way-order-information-decisions-and-maps>

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete: [https://www.surveymonkey.co.uk/r/Planning\\_inspectorate\\_customer\\_survey](https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey)

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

**Yvonne Oddy**  
Yvonne Oddy

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>*

Linked cases: ROW/3175724

## **APPENDIX T**

Memorandum for confirmed Orders.

### **WILDLIFE AND COUNTRYSIDE ACT 1981**

Your council's attention is drawn to the requirements of paragraph 11 of Schedule 15 of the Act and to paragraphs 4 and 5 of Schedule 4 to the Wildlife and Countryside (Definitive Map and Statements) Regulations 1993 (SI 1993 No.12). The required certificate should be sent to the Department as soon as possible (along with a copy of the notice).

It is our policy to provide free copies of the decision letter to all statutory objectors, the applicant (where applicable) and any supporters or interested parties listed on our records. Also anyone else, who has written to us requesting a copy, before a decision is issued. A copy of the decision will also be available on GOV.UK at the following link - <https://www.gov.uk/guidance/rights-of-way-order-information-decisions-and-maps>.

#### **Please Note:**

It is our policy to wait 1 month from the point a decision is issued before chasing an authority for the necessary certificate (and notice if applicable).

If you know you will not be able to complete the notice of confirmation within the next month, please contact this office to let us know when it is likely to be completed.







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## Order Decisions

On papers on file

**by Alan Beckett BA MSc MIPROW**

**an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs**

**Decision date: 17 August 2017**

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### **Order Ref: ROW/3175722 ('Order A')**

- This Order is made under Section 53 (2) (a) and (b) of the Wildlife and Countryside Act 1981 ('the 1981 Act') and is known as the Sheffield City Council (Definitive Map and Statement) Modification Order (No. 62) 2016.
- The Order is dated 13 October 2016 and proposes to modify the Definitive Map and Statement for the area by adding a public footpath as shown in the Order plan and described in the Order Schedule.
- There was 1 objection outstanding when Sheffield City Council ('the Council') submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

**Summary of Decision: The Order is confirmed subject to the modifications set out in the Formal Decision.**

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### **Order Ref: ROW/3175724 ('Order B')**

- This Order is made under Section 53 (2) (a) and (b) of the 1981 Act and is known as the Sheffield City Council (Definitive Map and Statement) Modification Order (No. 64) 2016.
- The Order is dated 13 October 2016 and proposes to modify the Definitive Map and Statement for the area by adding a footpath as shown in the Order plan and described in the Order Schedule.
- There was 1 objection outstanding when the Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

**Summary of Decision: The Order is confirmed subject to the modifications set out in the Formal Decision.**

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### **Procedural Matters**

1. As noted above, each of the Orders attracted one objection. The objections did not question the evidence of use of the claimed routes, nor did they contend that there was evidence of a lack of intention to dedicate the footpaths on the part of the landowner. The objections were made to the inclusion in Part 2 of the Schedules of a gap, a stile, and a gate as limitations on use. The objector contended that these items of path furniture had only recently been erected and as they were not present at the commencement of the relevant 20-year period of public use, they could not be considered as limitations on the public's use of the path.
2. The Council accepted that the features specified in Part 2 of the Schedules were not present at the commencement of use of the paths by the public and requested that the Orders be modified by removing all references to limitations

on use. On the basis that the Orders would be so modified the objections were withdrawn in writing on 18 July 2017.

3. I note that the features which were the subject of the objections are also recorded in Part 1 of the Schedules. To ensure that the Orders remain internally consistent, I will also delete references to these features in Part 1 of the Schedules. The Council have also identified a typographical error in Part 2 of the Schedule to Order B. Under the heading 'Status and description of route', the footpath to be added to the definitive map is described as commencing at its junction with bridleway no. 217 whereas route no. 217 is a public footpath. I will modify Order B to correct this typographical error.
4. No representations were received which questioned the evidence of use of the claimed footpaths which extended back to the 1950s. There is no evidence before me that the claimed use was other than 'as of right'; that is, without force, secrecy or permission or that such use had been interrupted. There is no evidence that the owner of the land crossed by the claimed footpaths has taken any action to demonstrate to users that there was no intention to dedicate a public right of way.

### **Conclusions**

5. Having examined all the available information with regard to the deemed dedication of the Order routes as public footpaths, I conclude that the evidence is sufficient to raise a presumption that the ways have been dedicated as public footpaths and that there is no evidence of a lack of intention to dedicate which would rebut that presumption. It follows that I conclude that the Orders should be confirmed subject to the modifications set out in paragraphs 2 and 3 above.

### **Formal Decision**

#### **Order A**

6. I confirm the Order subject to the following modifications: in the 'General' column of the Schedule, Part 1, delete '1 gap 1 field gate'; in the 'General' column of the Schedule, Part 2 delete '1 gap Limitation on user 1 field gate Limitation on user'.

#### **Order B**

7. I confirm the Order subject to the following modifications: in the 'General' column of the Schedule, Part 1, delete '1 stile'; in the 'General' column of the Schedule, Part 2 delete '1 stile (limitation on user)'; in line 1 of the 'Status and description of route' column in the Schedule Part 2, delete 'bridleway' and insert 'footpath'.

*Alan Beckett*

Inspector





Footpath No. 217, Bradfield Parish

PROW Unit  
Sheffield City Council  
Howden House  
Union Street  
Sheffield  
S1 2SH

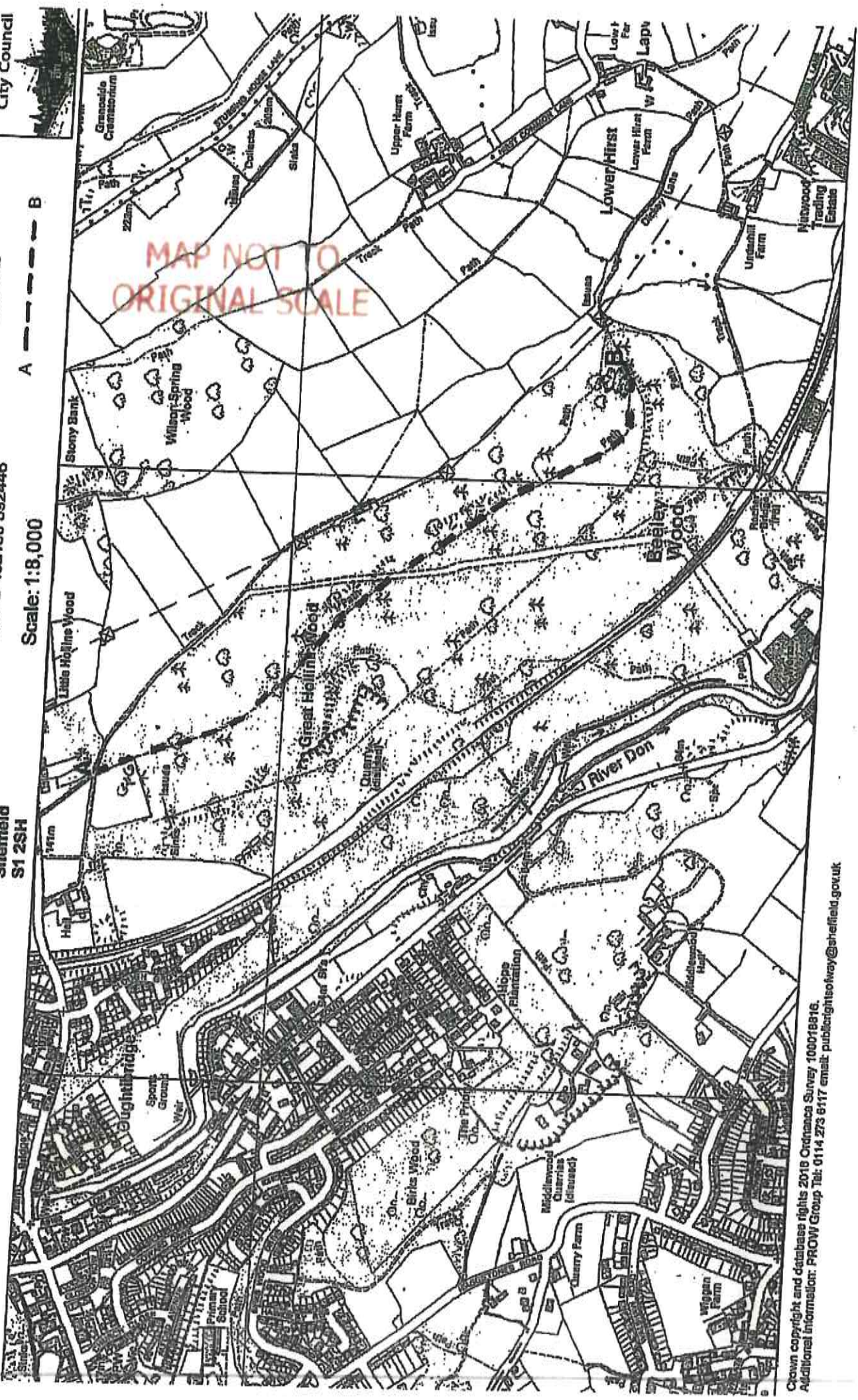
OS grid reference  
Point A 431492 393314  
Point B 432180 392446

Scale: 1:8,000

Path referred to



Sheffield  
City Council



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Additional information: PROW Group Tel: 0114 273 6117 email: [publicrights@sheffield.gov.uk](mailto:publicrights@sheffield.gov.uk)



Footpath No. 219, Bradfield Parish

PROW UNIT

Sheffield City Council  
Howden House  
Union Street  
Sheffield  
S1 2SH

UD grid reference

Point A 431526 393231  
Point B 432264 392490

Scale: 1:8,000

Path referred to

A ——— B

Sheffield  
City Council

